

Washington State Trade Adjustment Assistance Policy

Policy Number: 3045, Revision 2 (2002)

Policy Title: Classroom (Occupational Skills) Training

Effective Date: February 19, 2008

1. **Purpose:**

To communicate requirements when approving Trade Adjustment Assistance (TAA) Training for petitions certified under 2002 amendments.

2. **Background:**

The Trade Adjustment Assistance for Workers Program (TAA program) was first established in the Trade Act of 1974 as a tool to retrain trade impacted workers and help them find suitable employment.

The Trade Adjustment Assistance Reform Act of 2002 (Public Law 107-210) reauthorized and expanded the scope of the TAA program. It also repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program, which had been added to the TAA program in 1993 to provide benefits to workers who lost their jobs because of trade with Mexico and Canada after NAFTA. The NAFTA-TAA program was no longer necessary because the 2002 amendments extended the same favorable TAA coverage to workers who lost their jobs because of shifts in production to other countries with which the United States had trade agreements, treaties or where there was also a likelihood of increased imports because of shifts in productions to Mexico and Canada.

The 2002 amendments expanded coverage to adversely impacted secondary workers, whose layoffs could be attributed to trade impacts demonstrated by TAA certifications of workers for companies considered upstream suppliers or downstream producers to the certified primary firm. The 2002 Program applies to workers covered under petition numbers TA-W 50,000 – 69,999.

3. **Policy:**

This Policy applies to workers determined eligible to receive services and allowances under the Trade Act of 1974 as amended.

The Service Provider shall only approve training from an institution and program published on the Statewide Eligible Training Providers List that meets the performance criteria established by the Workforce Training and Education Coordinating Board (WTECB).

All approved classroom training must be full-time as determined by the training institution.

The Service Provider shall not approve training conducted totally or partially outside of the United States.

The Service Provider shall not approve training in which a participant is required to pay any of the costs associated with their training program.

a. Six Criteria for Approval of Training

Prior to the approval of classroom training, the Service Provider shall ensure and document that:

The participant meets the six conditions for training approval listed below:

1. There is no suitable employment available for the participant.
2. The participant will benefit from appropriate training.
3. There is a reasonable expectation of employment following the completion of training.
4. Training is reasonably available to the participant from either public or private sources.
5. The worker is qualified to undertake and complete such training.
6. Training is suitable for the worker and available at a reasonable cost.

b. Occupational Skills Training (classroom or online)

i. Length of Classroom Training

For petitions numbered below 50,000, Service Providers can approve classroom training up to 104 instructional weeks (including any pre-vocational training or remedial education).

For petitions numbered 50,000 and above, Service Providers can approve classroom training up to a maximum of 104 instructional weeks and up to an additional 26 weeks, if remedial training is required for the participant, for a maximum of 130 instructional weeks.

The Service Provider can only approve the amount of time necessary (up to 104 weeks of classroom training) for the participant to gain the skills needed to effectively compete in the local labor market. As determined by an assessment of the worker's skills, the Service Provider must encourage participants possessing some existing marketable skills to enter into short-term training such as skill upgrades or certificate programs.

A participant cannot be approved for more than one training program under a specific Trade Act certification. If a participant requests to change their approved training program the request must be submitted to the State TAA Coordinator for

a determination.

ii. Cost of Classroom Training

Training costs include tuition and related expenses, such as required books, tools, and academic fees. The Service Provider shall only approve training that is available at a reasonable cost.

The Washington State reasonable cost limit for a classroom training program is \$16,000 effective September 10, 2007.

Training cost approval is limited to those costs shown on the school syllabus and the training agreement (CT3) and must be approved before training begins.

A request for an exception to the reasonable cost limit for classroom training may be submitted to the State TAA Coordinator for review. The State TAA Coordinator will approve the request only if good cause is established. The procedure for submitting a request can be found in the TAA Procedures Manual.

iii. Funding

The Service Provider may approve training that is either fully funded by TAA or funded by TAA and a combination of funding from partner programs.

Programs that could also fund training include, Workforce Investment Act (WIA), Worker Retraining, Vocational Rehabilitation, Labor and Industries, Veterans Education Benefits, PELL or any other Federal Education Assistance Grant program. Funds established by employers, unions, and other private organizations, to assist participants in transition to reemployment, may also be used.

Fund sources personal to an individual such as self, student loans, relatives or friends are not allowable forms of funding for TAA approved training.

When the Service Provider combines TAA funds with another training source, the participant's Services Plan and case notes (in the case management system) must reflect all of the details of the funding including the source, the amount, and the time periods being paid for.

The entire training plan must meet the six TAA approval criteria and must be approved in writing before the participant begins training. The Training Approval Checklist form must be completed documenting that the six approval criteria have been met and included in the participant file.

Although TAA does not require participants to apply for Federal Financial Aid, they need to be advised of the program because it could be a potential source of funding for training; living and school related expenses.

When the cost of training exceeds the reasonable cost limit, federal financial aid funds awarded to a participant could be applied to the training costs in order to approve the plan. If a Federal Financial Aid award (this does not include student loans) is used to offset the cost of training, the Service Provider will insure that the award information is documented in the Services Plan and case notes in the case management system.

An individual who is paying their own training costs, either due to the cost or length of training, is not considered enrolled in TAA approved training and shall not be eligible for TRA weekly benefits.

iv. Tools Required for Training

The Service Provider may approve the purchase of tools if they are required for training and the cost is obligated in advance as part of the training contract.

Purchase of equipment such as personal computers and laptops is not allowed.

The training institution must provide a list of required tools. The Service Provider must keep this list in the participant's case file.

The participant will be responsible for all tools issued while in training. TAA funds shall not be used to replace lost or stolen tools.

The tools will become the property of the participant after the participant completes training for use in employment.

The tools will become the property of the participant if the participant does not complete training but obtains training related employment.

If the participant does not complete training and does not obtain training-related employment, the participant is required to return the tools to the Service Provider.

v. Supplies

The Service Provider may authorize \$30.00 per quarter for the purchase of supplies, such as pens, pencils, and paper, needed to support classroom training.

In addition, the Service Provider may authorize purchases for items listed as required on a class or program syllabus.

vi. Remedial Education

Remedial education is training in which workers gain the basic or elementary skills needed for reemployment.

Examples of Remedial Education:

- Basic writing and mathematical skills (Adult Basic Education)
- English as a Second Language (ESL)
- Courses leading to a G.E.D

Remedial education is included as part of an occupational skills training program. It may be conducted before skills training begins or conducted concurrently with skills training whenever possible.

A training plan consisting of standalone remedial education classes may be approved when a comprehensive assessment indicates the participant possesses marketable job skills, however, needs remedial education, such as Basic skills or ESL, to obtain employment.

The need for remedial education must be included in the Services Plan (in the case management system). College pre-requisite classes are not remedial education.

vii. Distance Learning

The Service Provider may approve distance learning when the final degree or certificate received is equivalent in content and standard of achievement to the same program completed on campus or at an institutional training location.

In addition, in order to approve distance learning all criteria for training approval must be met in the same way as with any other training program, including being defined as full-time training by the school.

viii. Information Technology Training

In order to approve training for participants in the information technology field, participants must have previous experience in the field (paid or volunteer) and own their own computer equipment.

Examples of programs that cannot be approved without demonstrated prior experience are network administration, LAN administrator, system administrator analyst, certified network engineer, Microsoft Certified Engineer (MCSE), Microsoft Certified Professional (MCP) and other computer engineering training programs.

ix. Temporary Leave of Absence from Training

In cases where there is good cause due to medical or health reasons for the participant or family member, the Service Provider may grant up to a one-quarter leave of absence for a participant attending approved training. The leave of absence must be coordinated with and approved by the training institution to ensure minimal impact to the participant's original training plan.

The reason for the leave of absence must be included on the Temporary Leave of

Absence form and signed off by the participant, the Service Provider and the training institution. The signed form must be included in the participant's file.

NOTE: Because an approved leave of absence of training may affect a participant's eligibility for TRA weekly benefits the Service Provider must coordinate the temporary leave with the TRA Payment Unit.

x. Withdrawal from Training

When a participant drops or withdraws from TAA approved training for reasons other than an excused temporary leave of absence and wishes to return to training the Service Provider may submit a request to the TAA Coordinator, if good is established. The TAA Coordinator will make a determination on whether the participant shall be allowed to return to their previously approved training program.

A participant who withdraws from training to return to work for a new employer or for their trade affected employer shall not be allowed to return to TAA funded training.

xi. Active Military Service

The Service Provider may allow a participant called to Active Military Service to resume their previously approved training plan under TAA as long as federal funds are available.

xii. Transportation and Subsistence Allowance

The Service Provider may approve:

- **Transportation allowances** for a participant when the training facility is located outside of the participant's commuting area.
- **Subsistence allowances** for a participant who must maintain two separate households when attending approved training outside of the commuting area. (The participant may not be receiving living assistance from any other funding source or partner funded program)

The participant shall only receive transportation and/or subsistence allowances for days in which the participant attends training as shown by weekly attendance reports they submit to the Trade Readjustment Allowances (TRA) Payment Unit.

The Service Provider must approve and obligate transportation and/or subsistence allowances for the participant before they begin claiming allowances.

Transportation payments may not exceed the lesser of:

- a. The actual cost for travel by the least expensive means of transportation reasonably available between the participant's home and the training facility; or

- b. The cost per mile at the prevailing federal mileage rate; or
- c. The amount otherwise payable as subsistence as outlined below (50 percent of prevailing subsistence rate.)

Subsistence payments may not exceed the lesser of:

- a. The actual daily cost for temporary lodging and meals in the area of training as documented by the Department or the participant; or
- b. Fifty percent of the prevailing federal rate for lodging and meals for the locale of the training.

A participant approved for subsistence allowances may receive transportation allowances for one round trip to travel to and from the training location at the beginning and end of training, using the least expensive means of travel reasonably available.

c. Veteran's Priority of Service

The TAA program must comply with the Jobs for Veterans Act, enacted into [Public Law 107- 288](#) on November 7, 2002. Covered veterans determined eligible for the TAA program must receive priority over non-veterans for the receipt of appropriate services provided under the TAA program.

4. Definitions:

Training Related Employment: The participant uses a substantial portion of the skills learned during training in their new employment.

Reasonable Cost: Training is not approved at one institution when, all costs being considered, the same training can be obtained at another institution at a lower total cost. The Service Provider shall not approve training if the cost of training is unreasonably high compared to the cost of training other workers in similar occupations. Transportation or subsistence costs that add substantially to the total cost also provide a basis for not approving the training. Training for an extraordinarily high skill level at an unreasonably high cost provides a basis for not approving the training.

Commuting Area: The area in which a participant would be expected to travel to and from work on a daily basis as determined by the Service Provider and based on applicable state UI law.

5. References:

- [Public Law 107-210](#), Trade Adjustment Assistance Reform Act 2002
- [Training and Employment Guidance Letter \(TEGL\) 11-02](#), Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002; [Change 1](#); [Change 2](#); [Change 3](#)

6. Supersedes:

This communication cancels and supersedes all previously issued policy memorandum related to the employment and training component of the TAA program.

7. Website:

[Workforce Professionals Center](#)

8. Action:

Employment Security Department Regional Directors and WorkSource Administrators must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

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